

REMARKS

Claims 1-13 and 16-29 are pending, wherein claims 1, 10, 27 and 29 have been amended. Reconsideration and allowance for the above-identified application are now respectfully requested.

The present invention is directed to various embodiments of a child restraint device designed to position one or more handles on one of two central balancing planes of a child's body: (1) a first balancing plane that passes down the center of a child's body through the spine and sternum, thereby bisecting the body into left and right parts or (2) a second balancing plane that passes down the center of a child's body through the left and right shoulders, thereby bisecting the body into front and back parts. By positioning a handle on a central balancing plane (*e.g.*, next to the child's spine and/or sternum or under the child's left armpit and/or right armpit) the child can be held in an upright position with the minimum amount of balancing energy. In contrast, positioning a handle at a position that does not lie on one of the central balancing planes leads to imbalanced weight distribution and instability. That is because more of the child's weight will be located on one side of the handle, and less of the child's weight will be located on the other side of the handle.

Positioning the handle, for example, over the spine, results in equal positioning of the weight on either side of the handle. A hand gripping the handle thereby has equal weight on either side, rather than imbalanced weight in the case of a handle placed to the left or to the right of the spine. By way of illustration, if a person's back is 12 inches wide, positioning the handle next to the spine results in 6 inches of body mass on either side of the handle. However, moving the handle even 2 inches to either side of the spine can cause great imbalance. A handle positioned 2 inches to the right or left of the spine results in 4 inches of body mass on one side of the handle and 8 inches of body mass on the other side, and 8 inches of body mass weighs approximately twice as much as 4 inches of body mass. The result is a tendency of the child to tip over toward the side of the body having twice as much body mass. The present invention rectifies such imbalances by positioning the one or more handles on a central balancing plane that bisects the body into equal halves.

The Office Action rejects claims 1-3, 5-8 and 29 as being anticipated or obvious over U.S. Patent No. 4,396,013 to Hasslinger. Claim 1 as currently amended describes a device which, in combination with the other elements, includes "a pair of opposing handles that are

spaced-apart so as to lie on opposite sides of a child's body during use (see Figures 6A, 6B, 7B, 14B, 15A, 15B, 16A, 16B, 18A and 18B) and "a corset or harness for attaching the pair of opposing handles adjacent to a child's body on opposite sides of a child's body so as to lie on a central balancing plane that bisects the child's body into two halves during use (see Figures 18A and 18B). The concept of placing handles along a central balancing plane is described throughout the application. A central balancing plane defines a plane that bisects the body into two weight balanced halves. A plane that bisects the body into two weight *imbalanced* halves is not a central balancing plane. A handle that lies along such a plane would inherently result in weight imbalance on either side of the handle.

Hasslinger fails to teach or suggest a device containing one or more handles that lie on a central balancing plane that bisects the body into two halves. Instead, the handles 38 are positioned along the strap 10 in order to lie in a spaced-apart fashion on either side of a person's spine, as shown in Figure 5. Visual inspection of the device shown in Figure 5 indicates that about twice as much of the strap 10 is located on one side of each handle 38 as on the other. That means there is approximately twice as much weight on one side of each handle 38 as on the other. Each handle therefore creates tremendous weight imbalance, which can only be overcome by placing two spaced apart handles on either side of the spine and which requires gripping by two hands to avoid tremendous weight gripping imbalance.

In contrast, positioning the handles as recited in claim 1 provides weight balance for each handle. That means that each handle can be independently gripped by a single hand in a weight balanced fashion. The same is true for the central balancing handle and optional opposing balancing handle of claim 29. Because Hasslinger neither teaches nor suggests positioning even one handle as in claims 1 and 29, claims 1 and 29 are neither anticipated by nor obvious over Hasslinger, either alone or in combination with any other art of record. Moreover, it would be contrary to Hasslinger to move either or both handles to a different position, as providing a pair of handles on either side of a person's spine as shown in Figure 5 is necessary for the intended operation and purpose of the Hasslinger device.

Claim 27 was rejected as being obvious over Hasslinger in view of U.S. Patent No. 4,717,056 to Carmichael. Claim 27 claims a device which includes, in combination with the other elements, "a releasable handle, configured to be gripped by a person's hand, positioned next to the child's body or clothing adjacent to the child's spine or sternum". In contrast, neither

handle in Hasslinger is positioned adjacent to a child's spine or sternum, but spaced-apart approximately 2-3 inches on either side of the person's spine as shown in Figure 5. Carmichael likewise fails to disclose a device having a handle of any kind, let alone a releasable handle, in the position required by claim 27. In fact, the alleged "handle" of Carmichael is actually a backpack strap that is looped over the wearer's shoulders. Accordingly, claim 27 recites a combination of elements that are neither taught nor suggested in Hasslinger and Carmichael even if combined in the manner alleged in the office action.

Claim 29 was rejected as being obvious over U.S. Patent No. 5,647,378 to Farnum. Claim 29 claims a device which includes, in combination with the other elements, "a central balancing handle . . . attached to the corset or harness in a manner so that the handle has a loop, substantially all of which is disposed and extends vertically between upper and lower edges of the flexible corset or harness" and also an optional opposing balancing handle disposed on an opposite side of the child's body during use, wherein the device either consists of (1) a device with a single handle that lies next to the child's spine or sternum during use or (2) a device with two opposing handles that lie on opposite sides of the child's body during use next to both the spine and sternum. Claim 29 expressly excludes devices having two handles that do not lie next to the spine and sternum, as in Hasslinger, or three handles as in Farnum. Moreover, Farnum neither teaches nor suggests a device having a handle that lies next to the spine or sternum which also extends vertically between upper and lower edged of the corset or harness (see Figure 3, 4, 18A and 18B of application). Instead, Farnum discloses a pair of loops that are positioned so as to lie underneath the person's armpits, as shown in Figure 1, and a single horizontal handle between the loops as shown in Figure 2. There is no description of the single horizontal handle with respect to where it is positioned during use, and Figure 1 implies it is not positioned next to the person's spine or sternum but to the side. Moreover, this handle is horizontally positioned rather than vertically positioned as recited in claim 29. Farnum neither teaches nor suggest a device having the combination of elements recited in claim 29.

Claims 20-26 were rejected as being obvious over Farnum in view of official notice that it is well known to give a child a bath. However, prior to the present invention, there was no teaching or suggestion in the art to give a child a bath while gripping a handle attached to the child with one hand and washing the child with the free hand. While it might be known to bathe a child while gripping the child's limbs, it was not heretofore known to stabilize a child using an

artificially attached handle with one hand and washing the child with the free hand, and Farnum provides no such teaching or suggestion. Moreover, given that Farnum expressly teaches gripping both of opposing handles 17 and 18 at the same time when hoisting a person into or out of a bath, Farnum teaches away from the method of claims 20-26. Finally, the horizontal handle shown in Figure 1 of Farnum does not appear to be positioned next to a central balancing place of the person to which it is attached, as required by claim 20. Instead, the item shown in dotted lines appears to be positioned to one side of the person's body and not next to a central balancing plane.

Claims 10-13, 16 and 17-19 were rejected as being obvious over U.S. Patent No. 6,122,778 to Cohen in view of U.S. Patent No. 6,073,280 to Farnum. As amended, claim 10 "consists essentially" of the recited elements. Claim 10 therefore expressly excludes extraneous items, such as straps and handles in addition to the "single handle", that would materially alter the device. Providing a single handle limits the device to a specific manner of use that has been found to be particularly beneficial when giving a child a bath, as illustrated in Figures 3 and 4. Extraneous handles might inadvertently get hooked on stationary fixtures in a bathtub, such as water faucet handles or a water spout, and cause imbalance or falling by the tender child. Limiting a device to a single handle that is gripped by an adult during use obviates such dangers and is an improvement over devices that include multiple handles which can inadvertently hook on stationary fixtures and cause imbalance or falling of a helpless infant.

Cohen discloses a device having multiple handles in various locations that can inadvertently hook on stationary fixtures and cause imbalance. Providing multiple handles in Cohen is necessary to provide the intended operation and function of the Cohen device. It would be contrary to Cohen to eliminate the multiple handles. The same is true for Farnum, which requires two opposing handles 15 and 16 (Figure 1) under the person's armpits to provide stability while hoisting an invalid—it would be contrary to Farnum to eliminate the multiple handles. Accordingly, the combination of Cohen and Farnum neither teaches nor suggests a device having a single handle in combination with the other recited elements.

In the event the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or which may be overcome by examiner amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 18th day of May 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. M. Gynn", written in a cursive style.

JOHN M. GYNN
Registration No. 36,153
Customer No. 022913

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